

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

September 8, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak, Creighton, Davidson, and Lee

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:00 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present. Councilmember Lee led the flag salute.

3. Communications: Written and Oral

- (a) Tom Jones, transportation consultant for the Cascadia Center for Regional Development, provided background information on the organization and noted that one of Cascadia's prime funders is the Bill and Melinda Gates Foundation. He reviewed some of the projects supported by Cascadia, including commuter rail on the Renton to Snohomish BNSF line and Sound Transit East Link light rail between Seattle and Redmond. Mr. Jones invited the Council to a Cascadia-sponsored tour of the Sonoma-Marín Area Rail Transit (SMART) rail corridor and the proposed \$4 billion Transbay Terminal in San Francisco. Mr. Jones submitted a letter from Cascade as well.
- (b) Dwight Schrag, a Downtown Bellevue resident, expressed concerns regarding Sound Transit's preferred East Link route (C4A) through Bellevue. He testified that the at-grade rail line through downtown Bellevue is the most unsafe route of all of the draft Environmental Impact Statement (EIS) alternatives considered. Mr. Schrag urged the Council and City staff to oppose the alignment. He submitted comments in writing.
- (c) Cathy Jeffris, a Downtown Bellevue resident, stated her opposition to Sound Transit's proposed C4A light rail alignment through Bellevue. Her comments were submitted in writing along with Mr. Schrag's above.

- (d) Chris Pallis, Pallis Properties, described his company's interest in redeveloping the Stod's property in Newport Hills. He expressed concerns regarding restrictions on the size of uses and the maximum number of uses allowed. Pallis Properties has met with City staff and the community to discuss these issues. Residents generally support the request for a change in zoning to allow larger tenants (e.g., child care facility, health club) to occupy the building. Mr. Pallis asked the Council to consider modifications to the site's allowed uses.
- (e) Dorothy Bracken, Chair of the newly formed Newport Hills Community Revitalization Task Force, described residents' interest in reviving the Newport Hills business district along 119th Avenue SE to meet the community's needs for retail and other services. The business district lost two key tenants this year – Red Apple Grocery and the Newport Hills Drug Store. Ms. Bracken expressed support for Pallis Properties' proposal to redevelop the Stod's site. She presented a petition from residents requesting amendments to the Land Use Code in order to stimulate redevelopment. Ms. Bracken thanked City staff members Dan Stroh and Tom Boydell for their work with residents. She thanked Councilmember Lee for his participation during the task force's most recent meeting.
- (f) Dan Nygard expressed support for the comments by Dorothy Bracken. He encouraged the Council to review the Pallis Properties proposal and to expedite amendment of the Land Use Code to facilitate this wonderful project.

Councilmember Lee commented that the Council is aware of the importance of doing something to help the Newport Hills business district. Mr. Lee was impressed with the community meeting and the positive conversation between the developer, City staff, and residents.

- (g) John Chesemore, representing the Neighborhood Alliance for Community Planning, read and submitted a letter describing concerns related to the Bellevue High School renovation plans. Residents are concerned about traffic and parking impacts and request that the City work with residents and the Bellevue School District to address the issues.

Responding to Mayor Degginger, City Manager Steve Sarkozy said staff will provide a report to the Council on the Bellevue School District's plans.

- (h) Ian Elliott noted his ongoing request for a skateboard facility in Ashwood Park. He has learned through his research that a skateboard park at this location was discussed several years ago. He commended Bellevue's existing skate parks and reiterated the need for a downtown facility. He noted a meeting scheduled for October 1 at the Bellevue Regional Library regarding park uses.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

City Manager Steve Sarkozy highlighted Agenda Item 8(f) regarding construction of the first synthetic turf field at Wilburton Park, which was approved by the 2007 voter initiative. He

further noted that the City's acquisition of the Safeway site in the Bel-Red corridor, which was authorized by the Council in May 2009, is scheduled to close on September 16.

6. Council Business and New Initiatives

Councilmember Davidson expressed concern regarding the quasi-judicial process and the City Council's role in that process. He questioned how to deal with matters that later become quasi-judicial for the Council's consideration.

City Attorney Lori Riordan noted that the Bellevue High School Conditional Use Permit referenced during Oral Communications could become a quasi-judicial matter if a decision by the Hearing Examiner is later appealed. A second matter raised during Oral Communications, proposed amendments to the Newport Hills Subarea Land Use Code, could be achieved through a legislative act by the City Council. However, a site-specific rezone is always a quasi-judicial matter under state law.

Responding to Councilmember Davidson, Ms. Riordan suggested that Councilmembers maintain individual logs of communications in order to be able to disclose ex parte communications. When the Council functions as a quasi-judicial body, Councilmembers are to consider only the information and evidence contained in the Hearing Examiner's record.

In further response to Dr. Davidson, Ms. Riordan said it is not necessary to disclose attending a public meeting on a matter. However, conversations and communications with anyone advocating a position in favor of or opposed to an issue must be disclosed as ex parte communications.

Responding to Councilmember Chelminiak, Ms. Riordan clarified that technically under state law, an issue does not become a quasi-judicial matter for the Council unless and until it is appealed. If a matter becomes quasi-judicial for the Council, Councilmembers must at that point disclose any past ex parte communications on the issue. In further response, Ms. Riordan explained that quasi-judicial matters are considered closed record appeals in which Councilmembers must make their decisions based on evidence already in the record that was used by the Hearing Examiner in making his or her decision.

Deputy Mayor Balducci stated that quasi-judicial matters are awkward because they are so different from the way the Council normally operates as a policy and legislative body. She suggested that information on the process be provided to both the Council and the public.

Responding to Mayor Degginger, Ms. Riordan said she will work with staff to have the information posted on the City's web site.

Responding to Councilmember Lee, Ms. Riordan acknowledged the difficulty in determining whether an issue might later become a quasi-judicial matter. As an example she stated that if a citizen began discussing a pending conditional use permit with a Councilmember, he or she could suggest not talking about the matter because it could become quasi-judicial. However,

nothing in state law would require that, but only that such ex parte communications be later disclosed.

Moving to Council reports, Councilmember Creighton said he attended meetings of the Bellevue Human Services Commission and the King County Mental Illness and Drug Dependency task force.

Councilmember Chelminiak attended a meeting of the Puget Sound Economic Development District.

Mayor Degginger reported that Senator Murray was in town during the Council break to meet with government representatives and human services providers at the YMCA. Mayor Degginger and Councilmember Creighton attended that meeting. Senator Murray also participated in a tour of the Bel-Red area.

Deputy Mayor Balducci reported that the Eastside Transportation Partnership will hold a candidate forum this week for the County Executive candidates. Bellevue-TV will tape the event for later broadcast and/or online streaming.

Ms. Balducci noted her request to staff for a briefing on Initiative 1033 which will be on the November ballot and affects future municipal funding.

→ Deputy Mayor Balducci moved to cancel the September 28 City Council meeting, and Mayor Degginger seconded the motion.

→ The motion to cancel the September 28 City Council meeting carried by a vote of 7-0.

7. Approval of the Agenda

→ Deputy Mayor Balducci moved to approve the agenda, and Councilmember Creighton seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

→ Deputy Mayor Balducci moved to approve the Consent Calendar, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Minutes of June 29, 2009 Special Meeting
- Minutes of July 20, 2009 Study Session
- Minutes of July 20, 2009 Regular Session
- Minutes of July 27, 2009 Extended Study Session

Minutes of August 3, 2009 Study Session
Minutes of August 3, 2009 Regular Session

- (b) Resolution No. 7968 authorizing execution of a three-year professional services contract on behalf of the Regional Fire Recruitment Consortium for which Bellevue functions as lead agency, with Public Safety Testing, Inc., in an amount not to exceed \$81,000, to perform entry-level firefighter recruit testing.
- (c) Resolution No. 7969 authorizing execution of a Network Service and Maintenance Agreement with the North East King County Regional Public Safety Communications Agency (NORCOM) for the provision of network and data center collocation services for the support of NORCOM's regional communications center.
- (d) Resolution No. 7970 authorizing execution of an agreement with the Bellevue School District regarding City scheduling of sportsfields on District property.
- (e) Resolution No. 7971 authorizing granting a Non-Exclusive Easement within a portion of the Northtowne Neighborhood Park to Puget Sound Energy, Inc. ("PSE") to install underground power lines.
- (f) Motion to award Bid No. 9234 to A-1 Landscaping and Construction, Inc., in the amount of \$889,140.00, as the lowest responsible bidder, to complete synthetic sportsfield improvements at Wilburton Hill Park (CIP Project P-AD-81).
- (g) Ordinance No. 5899 authorizing execution of Amendment Nos. 5 and 6 to the State of Washington, Recreation and Conservation Office (RCO) 2006 Grant Project Agreement to : 1) extend the grant to June 30, 2011 (Amendment No. 5); 2) increase the grant by \$221,111.11 to further fund the Henrichs and Kim property acquisitions (Amendment No. 6); and 3) amend the 2009-2010 General CIP Fund budget to increase by \$221,111.11 and amend the General CIP Plan Project P-AD-15 to increase the project budget by \$221,111.11.
- (h) Ordinance No. 5900 authorizing execution of an Interagency Agreement with the Seattle Police Department of up to \$96,935 for the Bureau of Justice Assistance FY09 Recovery Act: Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation (ARRA); amending the 2009-2010 budget of the Operating Grants, Donations, and Special Reserves Fund in the amount of \$96, 935; and authorizing expenditures from said fund.
- (i) Ordinance No. 5901 authorizing execution: 1) of a grant agreement with the Washington State Department of Transportation (WSDOT) to accept up to \$192,500 in state Safe Routes to School funding; 2) amendment of the 2009-2010 General CIP fund to increase the appropriation by \$192,500 in grant funds; and 3) amendment of the 2009-2015 Capital Investment Program (CIP) Plan to increase the project budget for the 152nd Avenue SE and SE 45th Street/SE 46th Street to

Newport Way by \$192,500 (CIP Plan No. PW-W/B-74).

- (j) Ordinance No. 5902 authorizing execution of: 1) amendment of the 2009-2010 General CIP fund to increase the appropriation by \$366,095 to reflect receipt of a developer contribution; and 2) amendment of the 2009-2015 CIP Plan to increase the project budget for the Signal Warrant/Safety Program by \$366,095 (CIP Plan No. PW-I-84); and

Motion to award Bid No. 9110, 148th Avenue SE and SE 24th Street Traffic Signal Upgrade and Audible Pedestrian System Upgrades as part of the Signal Warrant/Safety Program (CIP Plan No. PW-I-84) and Pedestrian Facilities Compliance Program (CIP Plan No. PW-W/B-49) to Oceanside Construction, Inc., in the amount of \$306,365 as the lowest responsible and responsive bidder.

- (k) Motion to award Bid No. 9242, Pedestrian Wayfinding Kiosks to Express Construction, in the amount of \$73,695.20, as the lowest responsible and responsive bidder, for the fabrication and installation of five new pedestrian wayfinding kiosks in downtown Bellevue funded through proceeds of a Federal Transportation Enhancements grant.
- (l) Resolution No. 7972 certifying the Emergency Declaration of the City Manager for construction of emergency public works to address water main breaks along SE 42nd Street in the vicinity of 146th Avenue SE.
- (m) Resolution No. 7973 authorizing execution of an amendment to the Software Maintenance Agreement (Addendum D of the System Purchase Agreement) with Advanced Utility Systems Corporation for the Utility Billing Customer Information System, in amounts not to exceed \$12,000 in 2009 and \$12,000 in 2010, to provide a limited amount of consulting and programming services.
- (n) Resolution No. 7974 authorizing execution of a contract with Cascade Supply Net, LLC, in an amount not to exceed \$420,994, for the purchase of an Emergency Portable Water Main Pipeline System utilizing Urban Area Security Initiative (UASI) sub-grant funds.
- (o) Resolution No. 7975 authorizing execution of a professional services agreement with S&B Incorporated for Phase IV of the Wastewater Telemetry Upgrade project, in an amount not to exceed \$320,000, for engineering and system integration services (CIP Plan No. S-57).
- (p) Ordinance No. 5903 authorizing execution of Amendment No. 1 to the interlocal agreement with Seattle-King County Department of Public Health (DOH) to accept grant reimbursement funds of up to \$58,282.77 to implement hazardous waste prevention and education programs in accordance with the Local Hazardous Waste Management Plan (LHWMP); establishing a project within the Operating Grants, Donations and Special Reserves Fund; appropriating unanticipated and

future revenues to that fund; and authorizing expenditures of said grant funds.

- (q) Ordinance No. 5904 authorizing: 1) amendment of the 2009-2010 General CIP Fund to increase the appropriation by \$5,450,000; 2) amendment of the 2009-2015 Capital Investment Program (CIP) Plan to create a new CIP project entitled Bel-Red Land Acquisition (CIP Plan No. G-81) with a project budget of \$6,500,000; 3) transfer of budget totaling \$2,350,000 from an existing CIP project to fund G-81, Bel-Red Land Acquisition; 4) increase the project budget for CIP Interest and Interim Financing Expense (CIP Plan No. G-53) by \$1,300,000; and, 5) establish an effective date.
- (r) Motion to approve payment of claims for the period August 1, 2009 through September 4, 2009 and payroll for the period July 16, 2009 through August 15, 2009.

- 9. Public Hearings: None.
- 10. Land Use: None.
- 11. Other Ordinances, Resolutions and Motions: None.
- 12. Unfinished Business: None.
- 13. Continued Oral Communications: None.
- 14. New Business: None.
- 15. Executive Session: None.
- 16. Adjournment

At 8:51 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw